Case 2:05-cv-00814-MCE-KJM Document 11 Filed 05/12/05 Page 1 of 1 IN THE UNITED STATES DISTRICT COURT 1 FOR THE EASTERN DISTRICT OF CALIFORNIA 2 **SACRAMENTO DIVISION** 3 4 FRANCIS HORN, 5 NO. CIV S-05-0814 MCE KJM Plaintiff, ORDER (PROPOSED) 6 7 v. 8 STATE OF CALIFORNIA, et al., 9 Defendants. 10 11 On April 27, 2005, Defendant filed a motion to dismiss in the above-entitled case. Through inadvertence or electronic failure, the motion was filed in (HC) Jackson v. Kernan, et 12 13 al., bearing a similar case number (CIV S-05-00081 FCD-KJM) rather than this case number (CIV S-05-00814 MCE KJM). 14 Subsequent corrective measures to cure technical filing problems proved unsuccessful. 15 Defendant seeks an order that their motion be filed *nunc pro tunc*, on April 27, 2005. 16 17 IT IS SO ORDERED. Defendant's motion to dismiss, filed again, pursuant to Court 18 order on May 6, 2005, shall be deemed filed April 27, 2005, nunc pro tunc. 19 Dated: May 12, 2005. 20 21 UNITED STATES DISTRICT JUDGE 22 23 24 25 26 27 28